

Diseases;" (circular) "* * * Successfully used in all affections of the Throat, Bronchi, and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs * * *," (in French "* * * Used against all affections of the throat, bronchi and lungs * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of colds, bronchitis, the most obstinate catarrhs, asthma, whooping cough, grippe, hoarseness, influenza and the first stages of consumption * * * tuberculosis and * * * epidemic grippe * * * diseases of the chest * * * gastric disorders * * *") The remainder of the article was labeled in part: (Bottle) "* * * For 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs, * * *;" (carton, in English and French) "* * * Recommended For * * * 'La Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all diseases of the Respiratory Organs * * *;" (circular, in English and French) "* * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficent relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and curative effects thereof were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for la grippe, whooping cough, catarrh, asthma, influenza, etc., when, in truth and in fact, it was not composed of and did not contain ingredients effective for the purposes named.

On September 15 and October 28, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BAIL, *Acting Secretary of Agriculture.*

9272. Adulteration of tomato purée. U. S. * * * v. 93 Cases * * * of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12865. I. S. No. 9136-r. S. No. C-1954.)

On June 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 93 cases of tomato purée, at Chicago, Ill., alleging that the article had been shipped by the Lapel Canning Co., Lapel, Ind., on February 28, 1920, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9273. Misbranding of Texas Wonder. U. S. * * * v. 259 Bottles * * * of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12867. I. S. No. 6005-r. S. No. C-1956.)

On or about June 8, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 259 bottles, more or less, of Texas Wonder, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., part on or about March 29, 1920, and part on or about April 17, 1920, and transported from the State of Missouri into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Texas Wonder * * * E. W. Hall, Sole Manufacturer St. Louis, Mo."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the packages and cartons bore and contained the following statements regarding the curative and therapeutic effect of said article, (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular headed "Read Carefully") "* * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9274. Misbranding of red kidney beans. U. S. * * * v. Edward P. Ray, John Westing, and Peter Westing (New Era Canning Co.). Pleas of guilty. Fine, \$300. (F. & D. No. 12900. I. S. Nos. 8553-r, 8557-r.)

On January 26, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward P. Ray, John Westing, and Peter Westing, trading as the New Era Canning Co., New Era, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 23 and November 13, 1919, from the State of Michigan into the State of Illinois, of a quantity of red kidney beans which were adulterated. The article was labeled in part: "New Era Brand * * * Red Kidney Beans * * * Packed By New Era Canning Co., New Era, Mich."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained 25.7 per cent and 49.4 per cent, respectively, of decomposed beans, and that it had a musty odor and taste.